
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

BEN F. JACOBS,

§

Plaintiff,

§

versus

§

CIVIL ACTION NO. 1:04-CV-375

HARVEY LAPPIN, *et al.*,

§

Defendants.

§

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Ben F. Jacobs, a federal prisoner, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

The Court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the defendants' motion for summary judgment.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Plaintiff contends that the defendants violated his right to due process by confining him in the Special Housing Unit for an extended period of time in violation of the Bureau of Prisons' regulations. Contrary to plaintiff's assertions, regulations

concerning an inmate's placement and continued confinement in administrative segregation do not create a protectable liberty interest. *Pichardo v. Kinker*, 73 F.3d 612, 613 (5th Cir. 1996); *see also Lair v. Purdy*, 188 Fed. Appx. 250, 252 (5th Cir. 2006) (holding that the district court did not err in dismissing due process claim concerning plaintiff's placement and 420-day confinement in the Special Housing Unit). After careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The defendants' motion for summary judgment is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 4th day of December, 2006.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE